

UNITED STATES DISTRICT COURT

Western

District of

Missouri

UNITED STATES OF AMERICA
V.

Wal-Mart Stores, Inc.

JUDGMENT IN A CRIMINAL CASE (For Organizational Defendants)

CASE NUMBER: 13-00135-CR-W-JTM

James Eisenbrandt

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) One of the Information filed on May 28, 2013

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
7 U.S.C. 136l(b)(1)(B)	Distribute pesticides w/o required registration information	2/28/2008	One

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 71-0415188

Defendant Organization's Principal Business Address:

702 SW 8th Street, Bentonville, AR 72716

5/28/2013

Date of Imposition of Judgment

/s/ John T. Maughmer
Signature of Judge

John T. Maughmer
Name of Judge

Magistrate Judge
Title of Judge

6/04/2013
Date

Defendant Organization's Mailing Address:

702 SW 8th Street, Bentonville, AR 72716

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PROBATION

The defendant organization is hereby sentenced to probation for a term of: **3 years**

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

The three year probation is unsupervised, as provided by Section 8B2.1 of the Sentencing Guidelines, and excludes the standard conditions of probation but includes the following special condition of probation: the defendant shall comply with the requirements of a Civil Agreement and Final Order ("CAFO") with the United States Environmental Protection Agency filed May 28, 2013, which was attached to and incorporated into the Plea Agreement as Exhibit A.

STANDARD CONDITIONS OF SUPERVISION

DEFENDANT ORGANIZATION: Wal-Mart Stores, Inc.
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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 125.00	\$ 11,000,000.00	\$

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ 0.00	\$ 0.00	

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The defendant is ordered to make a community service program payment pursuant to Section 8B1.3 of the United States Sentencing Guidelines, with said payment being in the amount of \$3,000,000.00 (three million dollars) to the Missouri Department of Natural Resources Hazardous Waste Program, which shall be deposited into the Hazardous Waste Fund, to be used to fund a statewide pesticide inspection and education initiative. The community service program payment shall be paid within seven days of the entry of judgment by check made payable to the MDNR Hazardous Waste Fund and sent to the attention of the General Counsel for the MDNR.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 14,000,125.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C or ☒ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Special instructions regarding the payment of criminal monetary penalties:
To be paid within seven days of the entry of this judgment

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.